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19 **Attorneys for Defendant**
20 **WELLS FARGO BANK, N.A.**

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 PHOENIX SOLUTIONS, INC., a
25 California corporation,

26 Plaintiff,

27 v.

28 WELLS FARGO BANK, N.A., a
Delaware corporation,

Defendant.

Case No. CV08-863MHP

STIPULATION AND ~~PROPOSED~~
ORDER TO FILE SECOND
AMENDED COMPLAINT

1 Phoenix Solutions, Inc. ("Phoenix" or "Plaintiff") and Wells Fargo Bank,
 2 N.A. through their undersigned counsel, hereby move the Court for, and stipulate
 3 to, an order permitting Phoenix to file an amended complaint for the purpose of
 4 adding Wells Fargo Funds Management, LLC as a defendant.

5 Further, Counsel for Wells Fargo Funds Management, LLC stipulates to
 6 accept service through the Court's electronic case filing system. Pursuant to
 7 Federal Rule of Civil Procedure 12, Wells Fargo Funds Management, LLC's
 8 answer to the amended complaint shall be filed within 20 days from the date of the
 9 Order permitting the amended complaint to be filed.

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 11 **IT IS SO STIPULATED**

12 Respectfully submitted,
 13 TROJAN LAW OFFICES

Respectfully submitted,
 KEKER & VAN NEST

14
 15 /s/ R. Joseph Trojan
 16 R. Joseph Trojan
 17 Attorney for Plaintiff,
 18 PHOENIX SOLUTIONS, INC.

19 Date: September 16, 2008

/s/ Eugene M. Paige
 Daralyn J. Durie
 Eugene M. Paige
 Ryan M. Kent
 Sonali D. Maitra
 Attorneys for Defendant,
 WELLS FARGO BANK, N.A.

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 21 Date: September 16, 2008
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ORDER

Upon the stipulation of counsel for all parties, the Request to file an amended complaint is hereby granted.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 9/18/2008

